REMARKS:

Reconsideration and allowance of the claims in the application are requested.

Claims 1-47 are pending in the application.

Claims 32-47 are allowed.

Claims 1-31 have been rejected under 35 USC 103(a) as being unpatentable over US Publication 2004/0063498 to M. E. Oakes et al, published April 1, 2004, filed September 30, 2002 (Oakes).

Applicants' note that Oakes does not qualify under 35 USC 103(a) as a reference based on the September 30, 2002 filing date of Oakes being less than year from the September 16, 2003 filing of the subject application, contrary to the requirements of 35 USC 102 (b).

In any case, the present invention (Ekberg) is distinguished from Oakes, as follows:

Oakes discloses a wireless gaming network of compatible portable units which may include individual game applications that allow each respective portable unit to function in either a server mode as a server unit that manages a particular gaming event, or in a client mode as a client unit that participates in the gaming event. The compatible portable units may include one or more client units configured to utilize corresponding game applications in the client mode to participate in the gaming event. The compatible portable units may also include a selectable server unit configured to utilize a game application in the server mode for managing the gaming event. The server unit may also include a security module that separately controls access by the various client units for participating in the gaming event. Oakes fails to disclose limitations of Ekberg, as follows:

A. Oakes discloses a wireless gaming network generating, processing an audio/video bitstream from gaming applications to clients and fails to disclose an ad hoc network controlling access to an application program in a wireless device.

B. Oakes discloses client/sever units including gaming applications configured by a user to participate in a game and fails to disclose an application directory in a client/server device that tracks for applications resident in a piconet, a reference to the piconet device storing an application, an identifier for the application, the role the application performs and the control parameters that define the user or service provider rules for controlling the application.

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C.   Oakes discloses a configuration procedure, which specifies characteristics such as the number of participants for one or more particular gaming events, whether any portable units are banned from participation in specified games, when to allow additional portable units to login to a gaming event, and whether logging off is required after a particular game is concluded. Oakes fails to disclose three categories of control parameters including (1) application states, (2) user defined application settings and (3) macros or combinations of user-defined and application settings.

D.   Oakes discloses a system user or other appropriate entity may select a particular game module from a game application 500, and a CPU 322 of server unit 138(e) may preferably begin to run the game module by executing corresponding software instructions. Oakes fails to disclose accessing control parameters to determine whether an application is runnable in a peer device or determining a preferred application found in a peer device after connection establishment between a source device and the peer device.

E.   Oakes discloses a network module 510 may preferably function as a base communications layer for providing simplified and user-friendly communications between various portable units 138. Network module 510 may be implemented in any suitable and effective manner. For example, network module 510 may be utilized to create and store various preset network configurations for easy recall and configuration of a particular gaming event in electronic network 110. Oakes fails to disclose priortising applications to (1) specify a preferred application that a client may access, (2) order the applications from most important to least important that a client may access, and (3) order from most important to least important a portion of an application that a client may access.

Summarizing, Oakes fails to disclose (1) controlling access to applications in a wireless device(s) connected in an ad-hoc network, (2) an application directory in a client/server device that tracks applications resident in devices in a piconet, (3) three categories of control parameters in an application directory including (i) application states, (ii) user defined application settings and (iii,) macros or combinations of user-defined and application settings, (4) the application directory listing (i) a reference to the piconet device storing an application,(ii) an identifier for the application, (iii) the role the application performs and (iv) the user or service provider rules for controlling the application, (5) prioritizing applications to (i) specify a

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preferred application that a client may access, (ii) order the applications from most important to least important that a client may access, and (iii) order from most important to least important a portion of an application that a client may access, (6) determining whether an application is runnable in a peer device, and (7) determining a preferred application found in a peer device after connection establishment between a source device and the peer device.

Without a disclosure, suggestion or teaching of the above items (1) –(7) in Oakes, there is no basis for a worker skilled in the art to implement claims 1 – 31. The rejection of the claims under 35 USC 103 (a) is without support in the prior art. Withdrawal of the rejection and allowance of claims 1 – 31 are requested.

CONCLUSION:

Claims 1 – 31 are not properly rejected under 35 USC 102 (b), but in any case have been distinguished by Applicants in the amendment. Claims 32- 47 stand allowed. Entry of the amendment, allowance of claims 1-47 and passage to issue of the case are requested.

AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 4208-4149. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.
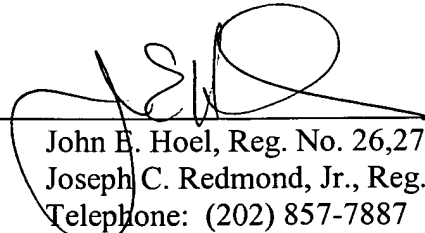
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 4208-4149.A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, O.K.

Dated: March 11, 2005   By:_____

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